



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Suzanne Lee Chan, Vice Mayor
Anu Natarajan
Bill Harrison
Dominic Dutra

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Mark Danaj, Assistant City Manager

Dawn G. Abrahamson, City Clerk
Robert Beyer, Interim Community Dev. Director
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Director
Norm Hughes, City Engineer
Bruce Martin, Fire Chief
Jim Pierson, Public Works Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
FEBRUARY 22, 2011
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances*
(This permits reading the title only in lieu of reciting the entire text.)

- 2.2 *Approval of Minutes – None.*

- 2.3 **UTILITY RELOCATION AGREEMENTS FOR WARREN AVENUE AND KATO ROAD GRADE SEPARATION PROJECTS**

Approval of Utility Relocation Cost Sharing Agreements with Union Sanitary District (USD) for Warren Avenue and Kato Road Grade Separation Projects and with Alameda County Water District (ACWD) for the Kato Road Grade Separation Project

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Public Works
Phone: 510-494-4752
E-Mail: jpierson@fremont.gov

RECOMMENDATION: *Authorize the City Manager or his designee to execute the following agreements as described in this report:*

1. *Warren Avenue Sanitary Sewer Relocation Project USD/City of Fremont Cost Sharing Agreement.*
2. *Kato Road Sanitary Sewer Relocation USD/City of Fremont Cost Sharing Agreement.*
3. *Kato Road Water Line Relocation Project ACWD/City of Fremont Cost Sharing Agreement.*

2.4 *AUTHORIZATION TO APPLY FOR FISCAL YEAR 2011/12 BICYCLE TRANSPORTATION ACCOUNT GRANT*

Adopt Resolution Authorizing Fiscal Year FY 2011/12 Bicycle Transportation Account (BTA) Grant Application; Approve 10% Local Match Contribution and Acceptance of the BTA Funds for the Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing Project

Contact Person:

<i>Name:</i>	<i>Rene Dalton</i>	<i>Kunle Odumade</i>
<i>Title:</i>	<i>Associate Transportation Engineer</i>	<i>Transportation Engineer</i>
<i>Dept.:</i>	<i>Public Works</i>	<i>Public Works</i>
<i>Phone:</i>	<i>510- 494-4535</i>	<i>510- 494-4746</i>
<i>E-Mail:</i>	<i>rdalton@fremont.gov</i>	<i>kodumade@fremont.gov</i>

RECOMMENDATIONS:

1. *Adopt a resolution authorizing the City Manager or his designee to (a) apply for Bicycle Transportation Account funds in the amount of \$405,000 for the Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing Project; (b) accept any awarded grant funds for the Project and execute any necessary implementing documents; and (c) appropriate the 10% (\$45,000) local match to the project.*
2. *Appropriate any BTA grant funds received for Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing project to 525PWC8381, and appropriate the ten percent local match from 509PWC8381, Central Park/Gomes Park Railroad Crossing project funds.*

2.5 *NILES CANYON ROAD TRUCK PROHIBITION*

Authorize Staff to Initiate the Process with California Department of Transportation (Caltrans) for Truck Prohibition on Niles Canyon Road (State Route 84), and Appropriate \$30,000 from the Congestion Management Program Account for Initial Funding of the Project

Contact Person:

<i>Name:</i>	<i>Kunle Odumade</i>	<i>Jim Pierson</i>
<i>Title:</i>	<i>Transportation Engineer</i>	<i>Director</i>
<i>Dept.:</i>	<i>Public Works</i>	<i>Public Works</i>
<i>Phone:</i>	<i>510-494-4746</i>	<i>510-494-4722</i>
<i>E-Mail:</i>	<i>kodumade@fremont.gov</i>	<i>jpierson@fremont.gov</i>

RECOMMENDATIONS:

1. Authorize staff to initiate the process with the California Department of Transportation (Caltrans) for truck prohibition on Niles Canyon Road (State Route 84).
2. Appropriate \$30,000 from 508PWC8678 (Congestion Management Program) to 508PWC8750 (Niles Canyon Road Truck Prohibition).

- 2.6 **PURCHASE ORDER WITH SHAW INDUSTRIES, INC., for the Family Resource Center Carpet Replacement Project**
Approval of a Purchase Order with Shaw Industries, Inc., for the Family Resource Center Carpet Replacement Project at 39155 Liberty Street, Fremont, CA 94538 (City Project No. PWC 8680)

Contact Person:

Name:	Leticia Leyva	Suzanne Shenfil
Title:	Management Analyst II	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2072	510-574-2051
E-Mail:	lleyva@fremont.gov	sshensfil@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to issue a purchase order with Shaw Industries in the amount of \$190,000 for carpet replacement at the FRC using the CMAS contract No. 4-08-72-0008B.

3. CEREMONIAL ITEMS

- 3.1 Resolution: Recognizing Police Department Systems Manager Pam Lutzinger for Thirty Years of Service

4. PUBLIC COMMUNICATIONS

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – [None](#)

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 TOW SERVICES REQUEST FOR QUALIFICATIONS

Authorization to Proceed with New Tow Services RFQ and Contract

Contact Person:

Name:	Mark Riggs	Craig T. Steckler
Title:	Lieutenant	Chief of Police
Dept.:	Police	Police
Phone:	510-790-6913	510-790-6810
E-Mail:	mriggs@fremont.gov	csteckler@fremont.gov

RECOMMENDATION:

1. Approve the new RFQ process and the changes to the tow program.
2. Consider authorizing staff to execute tow services agreements with vendors qualified under the approved RFQ process.

7.2 LEGISLATIVE POLICIES AND FUNDING PRIORITIES

Adoption of City Legislative Policies and Funding Priorities for 2011

Contact Person:

Name:	Maya Williams	Mark Danaj
Title:	Management Analyst	Assistant City Manager
Dept.:	City Manager's Office	City Manager's Office
Phone:	510-284-4013	510-284-4005
E-Mail:	mwilliams@fremont.gov	mdanaj@fremont.gov

RECOMMENDATION: Adopt the 2011 Legislative Policies and Funding Priorities and authorize the Mayor to convey the Legislative Policies and Funding Priorities to Assemblymember Wieckowski and Senator Corbett.

7.3 CITY COUNCIL AUTHORIZATION TO SELL THE CITY-OWNED PROPERTY

City Council Authorization to Sell Certain City-Owned Properties, including the Former Corporation Yard Site on Sequoia Road in Centerville to the Redevelopment Agency

Contact Person:

Name:	Elisa Tierney	Robert Beyer
Title:	Redevelopment Agency Director	Interim Director
Dept.:	Community Development	Community Development
Phone:	510-494-4501	510-494-4767
E-Mail:	etierney@fremont.gov	rbeyer@fremont.gov

RECOMMENDATION: Staff recommends the City Council (1) approve the sale to the Agency from the City of the Sequoia Road former Corporation Yard site for a purchase price of approximately \$8,000,000, adjusted by appraisal to equal the current fair market value of the Property, for future use to develop affordable housing; (2) approve the sale to the Agency from the City of the one-acre surplus parcel on Central Avenue, adjacent to new Fire Station 6, for a purchase price of \$1,720,000, for future use to develop affordable housing; (3) authorize the City Manager, or his designee, in consultation with the City Attorney and Agency Special Counsel, to prepare purchase and conveyance documents for sale of both sites (the "Conveyance Documents"), reflecting the terms and conditions described in this Staff Report; (4) authorize the City Manager to execute the Conveyance Documents, in the form approved by the City Attorney; and (5) authorize the City Manager, or his designee to file appropriate CEQA notice.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 Appointment of Arvind Ravichandran and Angela Turner to the Senior Citizens Commission

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING

FEBRUARY 22, 2011

***2.3 UTILITY RELOCATION AGREEMENTS FOR WARREN AVENUE AND KATO ROAD GRADE SEPARATION PROJECTS**

Approval of Utility Relocation Cost Sharing Agreements with Union Sanitary District (USD) for Warren Avenue and Kato Road Grade Separation Projects and with Alameda County Water District (ACWD) for the Kato Road Grade Separation Project

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Public Works
Phone: 510-494-4752
E-Mail: jpierson@fremont.gov

Executive Summary: This agenda item requests the City Council authorize the City Manager or his designee to sign agreements with USD and ACWD for the relocation of their facilities that are in conflict with the Kato Road Grade Separation Project (PWC8697) and with USD for the relocation of their facilities that are in conflict with the Warren Avenue Grade Separation Project that is part of the Mission/Warren/Truck Rail (MWT) Program (PWC8074).

The grade separations require the relocation of sanitary sewers owned and operated by USD that are in conflict with grade separations that will be built at Warren Avenue and Kato Road. The agreements call for the City of Fremont and USD to share in the relocation costs based on the relative percentages of how much of the existing sanitary sewers are located within and outside existing City street right of way. USD will be performing the relocation work for the Warren Avenue Grade Separation and the grade separation contractor will be doing the USD relocation work for the Kato Grade Separation. Therefore, the City will reimburse USD for up to \$73,204 for work done by USD on Warren Avenue and USD will reimburse the City for up to \$175,300 for work done by the project on behalf of USD on Kato Road.

The Kato Road Grade Separation also requires the relocation of a water line owned and operated by ACWD that is in conflict with the grade separation work. The City and ACWD will share in the relocation costs based on the relative percentages of how much of the existing water line is located within and outside City street right of way. Since ACWD will be doing the relocation work, the City will reimburse ACWD up to \$427,046 for its share of the work done by ACWD.

The City and the Santa Clara Valley Transportation Authority (SCVTA) have agreements in place that authorize the SCVTA to reimburse the City for all payments to USD and ACWD from VTA's Grade Separation project budgets. Similarly, the City will forward reimbursements from USD for relocation work on the Kato Road Grade Separation to SCVTA to be placed back into the project budget.

BACKGROUND: The City and SCVTA are cooperating to construct grade separations on Warren Avenue and Kato Road to grade separate the City roadways from the UPRR freight tracks and accommodate a future BART extension to Santa Clara County.

Utility relocation work on Kato Road began in 2010 and will be completed in 2011. Utility relocation work on Warren Avenue will begin shortly and be completed later this year. The construction of the

Kato Road Grade Separation will begin in 2011 and be completed 2013. The construction of the Warren Avenue Grade Separation will begin in 2012 and be completed in 2014.

The City is contributing \$23,659,000 of Redevelopment funds, plus a \$9.6 million Highway Rail Crossing Safety Account (HRCSA) grant from the State, to the MWT Program that includes the Warren Grade Separation. The City has received a \$10 million HRCSA grant from the State for the Kato Road Grade Separation. The grant is the City's only contribution to the Kato Road project.

DISCUSSION/ANALYSIS: Three separate cost sharing agreements are required for the sanitary sewer and water line relocation work needed for the Warren Avenue Grade Separation Project and the Kato Road Grade Separation Project.

Warren Avenue Agreement with USD: On Warren Avenue, 84 percent of USD's facilities are within the City Street right of way. Therefore, the Agreement calls for USD to fund 84 percent of the estimated \$366,020 cost of the sanitary sewer relocation or \$307,457. The remaining 16 percent or \$58,563 will be the City's share of the cost. USD will contract for the relocation work prior to the grade separation construction. The agreement permits USD to bill the City up to 125% of the estimated City share, or \$73,204, without amending the Warren Avenue Agreement to accommodate higher bids and/or construction change orders. The SCVTA will reimburse the City from the MWT Program budget for City payments to USD in accordance with an existing agreement between the City and SCVTA. Per the City/SCVTA agreement, the reimbursement will partially come from funds in the project budget that the City previously advanced to SCVTA to cover the costs of right of way acquisitions and utility relocations.

Kato Road Agreement with USD: For the Kato Road Grade Separation Project, the sanitary sewer relocation work will be done by the grade separation contractor. Therefore, the Agreement calls for the City to bill USD for its share of the relocation costs. For Kato Road, USD is responsible for 40 percent of the sanitary sewer relocation costs because 40 percent of USD's facilities are within City street right of way. Therefore, USD will fund 40 percent of the estimated \$350,600 cost of the sanitary sewer relocation, or \$140,240. The agreement permits the City to bill USD for up to 125% of the estimated USD share, or \$175,300, without amending the agreement to accommodate higher bids and/or construction change orders. The Kato Road Grade Separation Project will fund the remaining 60 percent, or \$210,360, of the relocation cost. USD will be billed by the City for its 40 percent share of the relocation costs, and its reimbursement payments to the City will be forwarded to SCVTA, to be placed back into the project budget.

Kato Road Agreement with ACWD: ACWD's relocation work at Kato Road will be performed by ACWD's contractor. Therefore, the City will be responsible for paying ACWD for its share of the relocation. On Kato Road, 39 percent of ACWD's facilities are within City right of way. Therefore, ACWD will fund 39 percent of the estimated \$560,060 cost of the water line relocation, or \$218,423. The remaining 61 percent, or \$341,637, will be the City's share of the cost. The agreement permits ACWD to bill the City up to 125 % of the estimated City share, or \$427,046, without amending the agreement to account for higher bids and/or construction change orders. SCVTA will reimburse the City for City payments to ACWD from the project budget per the existing agreement.

FISCAL IMPACT: There is no additional cost to the City for any utility relocation work called for in the three proposed agreements beyond the funding the City has already committed to the Kato Road Grade Separation Project and to the Warren Avenue Grade Separation Project. The City's share of the USD relocation work for the Warren Avenue Grade Separation Project is not to exceed \$73,204 without and amendment to the agreement. The City will be reimbursed for these costs by SCVTA from the MWT Program budget. The City's share of the ACWD relocation work for the Kato Road Grade Separation Project is not to exceed \$427,046. The City will be reimbursed for these costs by SCVTA from the Kato Road Grade Separation Project Budget. The City will be reimbursed by USD up to \$175,300 for the work performed by the Kato Road Grade Separation contractor on USD's behalf. In turn, the City will forward these funds to SCVTA to be placed back into the Kato Road Grade Separation Project budget.

ENVIRONMENTAL REVIEW: The Warren and Kato Road grade separations are statutorily exempt from review under the California Environmental Quality Act pursuant to Public Resources Code section 21080.13 because they will remove existing at-grade crossings. A notice of exemption for each grade separation was previously filed by the City with the Alameda County Clerk.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or his designee to execute the following agreements as described in this report:

1. Warren Avenue Sanitary Sewer Relocation Project USD/City of Fremont Cost Sharing Agreement.
2. Kato Road Sanitary Sewer Relocation USD/City of Fremont Cost Sharing Agreement.
3. Kato Road Water Line Relocation Project ACWD/City of Fremont Cost Sharing Agreement.

These relocations are required for the construction of the Warren Avenue Grade Separation (PWC 8074) and the Kato Road Grade Separation (PWC 8697).

***2.4 AUTHORIZATION TO APPLY FOR FISCAL YEAR 2011/12 BICYCLE TRANSPORTATION ACCOUNT GRANT**

Adopt Resolution Authorizing Fiscal Year FY 2011/12 Bicycle Transportation Account (BTA) Grant Application; Approve 10% Local Match Contribution and Acceptance of the BTA Funds for the Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing Project

Contact Person:

Name:	Rene Dalton	Kunle Odumade
Title:	Associate Transportation Engineer	Transportation Engineer
Dept.:	Public Works	Public Works
Phone:	510- 494-4535	510- 494-4746
E-Mail:	rdalton@fremont.gov	kodumade@fremont.gov

Executive Summary: The purpose of this report is to request the City Council adopt a resolution to apply for FY 2011/12 Bicycle Transportation Account (BTA) grant funds. City staff is recommending one project, the Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing Project, for the grant. To complete the City's application, staff recommends the Council adopt a resolution authorizing the City Manager or his designee to (a) apply for Bicycle Transportation Account funds in the amount of \$405,000 for the City's Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing Project for FY 2011/12; (b) accept any awarded grant funds for the project and execute any necessary implementing documents; and (c) appropriate the 10% (\$45,000) local match to the project from the City's Central Park/Gomes Park Railroad Crossing project fund, 509PWC8381 .

BACKGROUND: The Bicycle Transportation Account (BTA) provides state funds for city and county projects to improve safety and convenience for bicycle commuters. This is a competitive application process open to local and county agencies in California. To be eligible for BTA funds, the projects must be on the local agency's Bicycle or Pedestrian Master Plan, the application must include a resolution adopted by the local agency City Council committing to the minimum required 10% local match, and a CEQA Notice of Exemption or Notice of Determination must be completed. The proposed project was selected from the City's Bicycle Master Plan & Pedestrian Master Plan because staff determined this project best met the grant criteria, thus giving it the best chance of receiving funding. The City Council adopted a Mitigated Negative Declaration for the project on October 5, 2010, and a Notice of Determination was filed with Alameda County on October 20, 2010

The proposed bicycle and pedestrian railroad crossing project located at the junction of the Union Pacific railroad tracks and the Mission Creek trail levee (identified on Enclosure "A", "Vicinity Map") will provide for a safe public crossing at the Union Pacific railroad tracks connecting the existing Mission Creek trail east of the tracks which encompasses the Mission Valley Neighborhood. West of the UPRR tracks the project will provide connection to the Central Park trail system, CBD area and the planned UPRR trail segment currently under construction that will connect to a new housing development and the proposed future BART Station in the Irvington District. The proposed bicycle and pedestrian railroad crossing project also provides a vital link of the planned Union Pacific Railroad (UPRR) Corridor Trail that would begin in the Niles area, near the Alameda Creek Trail, and ultimately extend south to the Milpitas city limit.

Traffic counts indicate a high pedestrian demand at the proposed crossing location. For a three-day period between June 17 and June 19, 2007 (Friday, Saturday, Sunday, day time only) 1,268 pedestrian trips were observed crossing the track. For the three-day period, there was an average of 28 pedestrian trips per hour, with a peak hour of 57 trips on a Sunday between 7:00 AM and 8:00 AM. Currently, public access across the UPRR track has been closed due to the BART Warm Springs construction project. The City is working with UPRR in order to expedite execution of a Construction and Maintenance Agreement and to obtain a public crossing permit from the California Public Utilities Commission to convert this crossing to a safe, approved crossing. The City desires to have a construction and maintenance agreement executed and a public crossing permit approved within the next 12 months. These are the last steps that need to be completed before the construction phase can proceed.

The following steps have been completed to date:

- UPRR, CPUC and ACFCD have completed three cycles of plan reviews of the proposed crossing design prepared by the City and the City is working with all parties to finalize the plans. The most recent reviews were of 90% level plans.
- UPRR has provided the City with an estimate to design and construct the new proposed crossing.
- City adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan.

DISCUSSION: The proposed project consists of the construction of a new public at-grade pedestrian/bicycle and service vehicle crossing across the Union Pacific Railroad line. The work includes grading and construction of new asphalt, aggregate and concrete surfaces at the crossing area, and installation of a new railroad crossing signal, gates and fencing.

The project conforms to the City's Bicycle Master Plan and the City's Pedestrian Master Plan and has strong community support. The proposed crossing will provide safe and convenient public access between Gomes Park, in the Mission Valley Neighborhood, and Central Park. Although a good percentage of the existing trips using this crossing are recreational, the completion of the trail along the former UPRR corridor between Central Park and Irvington over the next few years, and construction of the Irvington BART Station, should increase bicycle commute trips, which is the intent of the grant.

To apply for the funds, BTA grant fund rules require that the Council adopt a resolution authorizing the appropriation of a 10% local match to the project should the City be awarded grant funds for the project. If the City does not receive a grant award, staff will continue to proceed with the construction process of the bicycle and pedestrian crossing project. The project (PWC8381) is an established CIP project and is fully funded with Measure B Bicycle and Pedestrian funds. Staff has determined that this project would compete well for the BTA grant, and if the City was awarded the grant the funds currently programmed for this project could be re-allocated to other priority bicycle and pedestrian projects.

FISCAL IMPACT: The preliminary construction cost estimate for the project, including permit fees and City construction management costs, is approximately \$450,000. Staff recommends the appropriation of the City's 10% minimum local match of \$45,000 from the City's Central Park/Gomes Park Railroad Crossing Project, 509PWC8381, which has a balance of \$480,000. The grant request of \$405,000, along with the City's \$45,000 match, would then fully fund the \$450,000 construction cost.

ENVIRONMENTAL REVIEW: A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA. The City Council on October 5, 2010, approved the project and adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan for the project. A Notice of Determination was filed with the County Clerk on October 20, 2010.

ENCLOSURES:

- [Enclosure A - Project Vicinity Map](#)
- [Enclosure B - Draft Resolution](#)

RECOMMENDATIONS:

1. Adopt a resolution authorizing the City Manager or his designee to (a) apply for Bicycle Transportation Account funds in the amount of \$405,000 for the Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing Project; (b) accept any awarded grant funds for the Project and execute any necessary implementing documents; and (c) appropriate the 10% (\$45,000) local match to the project.
2. Appropriate any BTA grant funds received for Central Park/Union Pacific Railroad Bicycle and Pedestrian Crossing project to 525PWC8381, and appropriate the ten percent local match from 509PWC8381, Central Park/Gomes Park Railroad Crossing project funds.

***2.5 NILES CANYON ROAD TRUCK PROHIBITION**

Authorize Staff to Initiate the Process with California Department of Transportation (Caltrans) for Truck Prohibition on Niles Canyon Road (State Route 84), and Appropriate \$30,000 from the Congestion Management Program Account for Initial Funding of the Project

Contact Person:

Name:	Kunle Odumade	Jim Pierson
Title:	Transportation Engineer	Director
Dept.:	Public Works	Public Works
Phone:	510-494-4746	510-494-4722
E-Mail:	kodumade@fremont.gov	jpierson@fremont.gov

Executive Summary: Caltrans has been pursuing three separate safety improvement projects on Route 84 in Niles Canyon. Bids on the first project (Niles Canyon 1) were opened on October 27, 2010, and construction is scheduled to start in spring 2011. On September 21, 2010, Caltrans presented information about the second project (Niles Canyon 2) to the City Council which allowed the public an opportunity to provide comments to the Council regarding the Niles Canyon 2 project's Draft EIR/Environmental Assessment (EA) document that was being circulated for public comments. At the meeting, Council discussed the option of initiating the process of prohibiting trucks on Niles Canyon Road to help improve safety, and also provided comments to staff to include in the City's comment letter to Caltrans on the Niles Canyon 2 Draft EIR/EA. Staff expressed that interest to Caltrans in the City's comment letter dated October 7, 2010 regarding the Niles Canyon 2 project's Draft EIR/Environmental Assessment. A copy of the letter is attached to this report for reference. Also, staff has been communicating with Caltrans District Truck Coordinator regarding the truck prohibition proposal.

The purpose of this report is provide to Council the required Caltrans' "Truck Restriction Process", and request Council's approval for staff to initiate the process with Caltrans for truck prohibition on Niles Canyon Road. Staff is also requesting that Council appropriate \$30,000 from the Measure B funded Congestion Management Program project, PWC8678, for staff time and other analysis that may be required to complete the initial steps of this process.

BACKGROUND: Caltrans has been pursuing three separate safety improvement projects on Route 84 in Niles Canyon. Bids on the first project (Niles Canyon 1) were opened on October 27, 2010, and construction is scheduled to start in spring 2011. On September 21, 2010, Caltrans presented information about the second project (Niles Canyon 2) to City Council which allowed the public an opportunity to provide comments to the Council regarding the Niles Canyon 2 project's Draft EIR/Environmental Assessment document that was being circulated for public comments. At that time, Niles Canyon 2 was scheduled to start construction in fall 2012. The third project (Niles Canyon 3) is still in the planning phase and is not scheduled to start construction until summer 2013.

Niles Canyon 1 and 2 will widen the majority of Niles Canyon Road between Fremont and I-680 to provide 12-foot lanes, a 2-foot median buffer, and 2-foot to 8-foot shoulders (predominantly 8-foot). Niles Canyon 3 will replace the Alameda Creek Bridge.

At the September 21, 2010 meeting, Council expressed interest in initiating the process of prohibiting trucks on Niles Canyon Road to help improve safety, and provided comments to staff to include in the City's comment letter to Caltrans on Niles Canyon 2 Draft EIR/EA. Staff sent the City's comment letter to Caltrans on October 7, 2010. The letter expressed City of Fremont great concerns about the environmental impacts of the project and the purpose and need for the project as identified in the DEIR/EA. The City's letter requested additional information regarding the purpose and need, inclusion of a new project alternative, and that potential environmental impacts be included in a revised DEIR/EA. Once these changes were made, the City's letter requested the document be recirculated for public comment. The City's comment letter pointed out that trucks represent 2.5% of the average daily traffic on Niles Canyon Road, yet were involved in 38% of the collisions, and suggested that the EIR analysis should evaluate whether the prohibition of trucks on Niles Canyon Road would reduce the accident rate, and expressed the City of Fremont's interest in initiating the process of prohibiting trucks on Niles Canyon Road to help improve safety.

Caltrans has not yet addressed the comments they received on the DEIR/EA, and staff does not know when they will respond to the comments. They have recently communicated to staff that they are exploring alternatives to reduce the visual impacts of the roadway widening by using different retaining wall techniques and treatments, and analyzing other construction options that could reduce the number of retaining walls needed. They have not indicated whether they are considering reducing the amount of roadway widening through the canyon, as the City requested in its letter.

Since the September 2010 Council meeting, staff has been communicating with the Caltrans District Truck Coordinator regarding the process for truck prohibition on Niles Canyon Road. This report discusses the Caltrans "Truck Restriction Process" that was provided to staff by Caltrans. Prohibiting trucks on a State highway is a long process. Staff is requesting Council approval for staff to initiate the process with Caltrans for truck prohibition on Niles Canyon Road.

DISCUSSION/ANALYSIS: State and federal law forbid highway restrictions to truck access except for safety and engineering reasons. The procedures in the process to prohibit trucks on a State highway require substantial supporting evidence, such as accident data and a reasonable alternative route, various other studies and reports; and public engagement with other affected local agencies, the California Highway Patrol, trucking industries, other affected industries, and citizen groups. The proposed truck restriction may be subject to California Environmental Quality Act (CEQA) review, and requires approval from the Caltrans Director's office, and adoption of a truck restriction ordinance by the Fremont City Council. The City of Fremont would be responsible for installing the applicable restriction signs.

An outline of the procedures in the Caltrans Truck Restriction Process is presented below:

1. ***Local Agency Prepares a Draft Truck Restriction Ordinance or Resolution.*** The local agency prepares a draft ordinance or resolution of the proposed truck restriction and informs the appropriate Caltrans District Truck Coordinator. The draft ordinance or resolution must cite the California Vehicle Code Section providing the justification for the truck restriction. The Caltrans District should notify the Headquarters Office of Truck Services in writing as soon as possible after learning of a truck restriction proposal. The District should then request and forward copies

of local agencies' draft ordinances or resolutions to the Headquarters Office of Truck Services, Legal and Environmental Programs for review.

2. ***Local Agency Prepares Initial Study.*** The initial study provides the information necessary to justify the proposed restriction, and may also indicate if the proposed restriction is subject to California Environmental Quality Act (CEQA) review. The initial study allows the preliminary submittal of information by Caltrans, local agencies, and California Highway Patrol staff, as well as initial comments from the trucking industry, affected industries, and citizen groups. It should include the proposed restriction type, location, existing conditions, alternatives, maintenance and safety considerations on the alternative route(s), any initial public comment, and conditions that may involve further CEQA compliance.

To complete the first two steps, staff is requesting Council appropriate \$30,000 from the Measure B-funded Congestion Management Program project, PWC8678, to the project's account for staff time and outside services.

3. ***Local Agency Provides Public Review and Comment Period.*** During the public review period, the local agency gives public notice of the proposed truck restriction, and public hearings are advertised and held. All documentation acquired to date regarding the proposed truck restriction should be available for public review prior to the public hearing.
4. ***Local Agency Receives Comments and Prepares Final Truck Restriction Report.*** The local agency considers all comments received. If the local agency still wants to proceed with the proposed restriction, a final truck restriction report is prepared and forwarded to the Caltrans District office. This final report includes any comment revisions, and the draft restriction ordinance or resolution. The Caltrans District Director forwards the report with the District's recommendations to the Caltrans Traffic Operations Division Chief at Headquarters in Sacramento.
5. ***Caltrans Traffic Operations Submits Recommendation to the Director's Office.*** The Traffic Operations, Office of Truck Services, in cooperation with Caltrans Headquarters Environmental and Legal Divisions, prepares a recommendation regarding the truck restriction and submits it to the Caltrans Director's Office in Sacramento.
6. ***Caltrans Director Issues Written Approval.*** If approved, the Caltrans Director issues a written approval of the draft ordinance or resolution for the truck restriction.
7. ***Local Agency Passes Final Truck Restriction Ordinance or Resolution.*** If the Caltrans Director approved the draft ordinance or resolution, then the Council may adopted the truck restriction ordinance or resolution. An amendment to the Transportation Chapter of the City's General Plan will be required in conjunction with adoption of the ordinance or resolution because Route 84 is currently shown as a truck route in the current General Plan.
8. ***Local Agency Erects Restriction Signs, and Restriction is Enforced.***

If the City Council authorizes staff to initiate the process with Caltrans for truck prohibition on Niles Canyon Road, staff will prepare a draft truck restriction ordinance for Caltrans review and start the preparation of an initial study for truck prohibition on Niles Canyon Road, as required in the first two steps in the procedure of the Truck Restriction Process. After the completion of the Initial Study, staff will return to Council to present the Initial Study, discuss the workscope for the entire process including all associated cost, and seek Council input and direction, including the possibility of appropriating additional funding, before proceeding with the rest of the process.

FISCAL INPUT: The Initial Study could involve a substantial level of effort in the “Truck Restriction Process”, and may require substantial staff time and possibly some outside services for data gathering and analysis. Staff recommends the appropriation of \$30,000 from the Congestion Management Program project, PWC 8678, for initial funding of the Niles Canyon Road Truck Prohibition Project. Sufficient funding is available in this account for this purpose. When staff returns to Council at the completion of Step 2, it will identify any additional funds needed to complete the entire process, including CEQA compliance and community outreach.

ENVIRONMENTAL REVIEW: The Initial Study will determine the type of California Environmental Quality Act (CEQA) review needed for this project.

ENCLOSURE: [City’s comment letter to Caltrans on Niles Canyon 2 Draft EIR/EA](#)

RECOMMENDATIONS:

1. Authorize staff to initiate the process with the California Department of Transportation (Caltrans) for truck prohibition on Niles Canyon Road (State Route 84).
2. Appropriate \$30,000 from 508PWC8678 (Congestion Management Program) to 508PWC8750 (Niles Canyon Road Truck Prohibition).

***2.6 PURCHASE ORDER WITH SHAW INDUSTRIES, INC., FOR THE FAMILY RESOURCE CENTER CARPET REPLACEMENT PROJECT**

Approval of a Purchase Order with Shaw Industries, Inc., for the Family Resource Center Carpet Replacement Project at 39155 Liberty Street, Fremont, CA 94538 (City Project No. PWC 8680)

Contact Person:

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Executive Summary: The purpose of this report is to request that the City Council authorize the City Manager or his designee to issue a purchase order with Shaw Industries, Inc., in the amount of \$190,000 for carpet replacement at the FRC.

BACKGROUND: The Family Resource Center (FRC), which opened its doors in 1999, is a collaborative effort of over 25 State, County, City, and non-profit social service organizations. Low and moderate-income families visit the FRC over 100,000 times per year. The carpet located in the common areas, conference rooms and partner agency offices is showing signs of wear and tear and is reaching the end of its useful life.

Due to the extensive job of replacing the carpeting of the 56,300 square foot facility, which is fully leased out, this project was phased to alleviate the amount of disturbance to FRC tenant staff and clients. Since July 2007, the City Council has appropriated a total of \$421,000 in CDBG funds in support of the ongoing phased replacement of carpet, as follows:

City Council Appropriations

Approval Date	Amount Appropriated
July 24, 2007	\$100,000
April 22, 2008	\$60,000
April 27, 2009	\$30,000
April 27, 2010	\$231,000
TOTAL	\$421,000

DISCUSSION/ANALYSIS: City staff has completed Phases I-III of the project, at a total expense of \$218,126. Approximately \$202,874 remains in the project fund balance to undertake Phase IV of the project. All of the work thus far has been completed satisfactorily by Shaw Industries, Inc., and staff recommends they complete the remaining work. Phase IV involves the replacement of carpeting in nineteen (19) FRC partner agency office suites. Staff is seeking Council approval to issue a purchase order to Shaw Industries in the amount of \$190,000. Purchase orders over the amount of \$100,000 must be approved by City Council. The remaining \$12,874 will be held for contingencies.

Phase	Expenditure	Amount
I-III	Shaw Contract for Carpet Replacement of: <ul style="list-style-type: none"> • Common Area, Bldg ABCD • Common Area, Bldg EFGH • Employment Development Department Office • Alameda County Social Services Agency 	\$218,126
IV	Shaw Contract for Carpet Replacement of 19 FRC Partner Agency office suites	\$190,000
	Contingency	\$12,874
		\$421,000

The City has previously issued purchase orders to Shaw under a sole source arrangement using the California Multiple Award Schedule (CMAS) contract negotiated by the State of California with Shaw Industries for purchase and installation of carpeting. The carpet installation is incidental to the overall project, and will be conducted in accordance with applicable prevailing wage requirements. Public Contract Code Section 10298 authorizes the City to utilize State contracts to purchase goods, information technology and services without competitive bidding. The City's purchasing ordinance also allows the City to enter into an agreement based on the terms of an existing contract between the vendor and another public agency without a competitive solicitation where the City Manager makes the findings set forth in Fremont Municipal Code (FMC) Section 2-9702, subject to Council approval.

Here, the City would be using the CMAS contract and therefore, would be purchasing carpet on the same terms as the state contract. Because the State of California has substantially greater purchasing power than the City, the CMAS contract will allow the City to obtain carpeting at a reasonable and fair price.

Finally, utilizing the CMAS contract is consistent with the purpose and goals of the purchasing code as set forth in FMC Section 2-9102. The CMAS contract is structured to comply with California procurement codes, guidelines and policies.

FISCAL IMPACT: The entire FRC carpet replacement project has been funded through Community Development Block Grant funding. City General funds have not been used for this project.

ENVIRONMENTAL REVIEW: All CDBG-funded projects listed in this staff report are subject to environmental review procedures pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, and implementing regulations set forth in 24 CFR Part 58.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to issue a purchase order with Shaw Industries in the amount of \$190,000 for carpet replacement at the FRC using the CMAS contract No. 4-08-72-0008B.

6.1 Report Out from Closed Session of Any Final Action

7.1 TOW SERVICES REQUEST FOR QUALIFICATIONS

Authorization to Proceed with New Tow Services RFQ and Contract

Contact Person:

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Executive Summary: In July of 2010, Council rejected all bids from the previous tow services vendor selection process at staff request. Staff has now prepared a new Request for Qualifications to provide tow services and present it for Council review.

The new tow services RFQ will transition the Police Department towing program from a zone based model with a separate vendor assigned to each of three tow zones, to a rotational model without zones and in which all qualified vendors are eligible to participate in the tow program. Staff request that the Council provide comment on and conceptual approval of the new program approach, as well as consider providing authorization to contract with qualified vendors.

BACKGROUND: The competition for the tow contracts identified a number of issues in the existing tow contract RFP process that was used in June 2010. Issues raised by the tow vendors included the selection process, the existing RFP requirements, and zone towing versus rotational towing. In order to address each issue appropriately, more research was conducted to find possible alternatives and solutions to improve the process. At staff's request, Council rejected all bids during the meeting on July 27, 2010. Staff committed to conduct the research, draft a new RFP, and bring it to Council upon completion.

The Police Department conducted industry research by contacting over 25 California law enforcement agencies similar in size to Fremont. Contacting each agency provided staff with information regarding industry standards. Questions were asked about zone towing, rotational towing, equipment requirements, response times, storage facilities, and other issues identified in the RFP. Taking this information gained from the industry study, staff drafted a new request for qualifications and tow services agreement that will meet the needs of the Police Department and allow for more tow vendors to participate in the City's tow service program.

Some of the major changes in the new program include transitioning from a zone towing system, which limited the vendors to three, to a rotational program allowing all qualified contractors to participate. The number of required storage spaces was reduced from 75 to 45 spaces. This will also allow more vendors to participate. Officers' time on the street is at a premium, so the 20-minute response requirement will remain the same. The new Request for Qualifications (RFQ) would allow any vendor who meets the criteria set forth in the RFQ to contract with the City to provide towing services. The selection process will be a set of clear qualification requirements based on the industry standards as set forth in the RFQ. The contract included in the RFQ has provision for the City to charge an Administration Fee to the Tow providers, if such fee is established during the duration of the contract.

Staff will conduct site visits, background checks, and review the documents provided by the tow vendor to assure all of the qualifications are met. Tow vendor applicants will be invited to a pre-RFQ meeting to answer any questions they might have on the process. Documents that will be used for the qualification process will be provided to the tow applicants at the pre-RFQ meeting. After the qualifications are completed, the remaining qualified tow vendors will be asked to participate in the contractual agreement to provide tow services for the City.

FISCAL IMPACT: There is no fiscal impact to the City at this time. However, the draft contract stipulates that if after the execution of the agreement the City establishes an administration fee (in accordance with Vehicle Code Section 12110) to be paid by tow services operator, the operator agrees to pay the established fee.

A fee would be based on the reimbursing the City for the actual and reasonable costs incurred during the term of the Agreement in connection with the City's towing program. The fee would be approved by City Council, and operators would have the option to elect not to participate in the towing program in the event the fee is established.

ENVIRONMENTAL REVIEW: None.

ENCLOSURE: [Requests for Qualifications - RFQ #11-004](#)

RECOMMENDATION:

1. Approve the new RFQ process and the changes to the tow program.
2. Consider authorizing staff to execute tow services agreements with vendors qualified under the approved RFQ process.

7.2 LEGISLATIVE POLICIES AND FUNDING PRIORITIES

Adoption of City Legislative Policies and Funding Priorities for 2011

Contact Person:

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Executive Summary: Each year, the City Council adopts Legislative Policies and Funding Priorities to guide the City's legislative advocacy efforts during the year. Adoption of such a list enables both Council and staff to quickly and effectively react to most legislative issues as they arise. Staff recommends Council adopt the 2011 Legislative Policies and Funding Priorities.

BACKGROUND: Since 2001, the City Council has formally adopted Legislative Policies and Funding Priorities to guide Council and staff advocacy efforts during the year. These policies and priorities are then given to the City's local and State legislators so that they know the City's position on a broad range of important issues.

The majority of the policies and funding priorities proposed for 2011 are the same as last year's list. However, there are a couple of new issues that are worth noting. One of the major issues facing cities statewide is the Governors' budget proposal that includes eliminating redevelopment agencies. The League of California Cities has major questions about the proposal on legal grounds, and has pointed out the many harmful economic and policy impacts of eliminating redevelopment. The City opposes any legislation that changes the legal mandates of the California Redevelopment Law or eliminates local authority of the use of redevelopment funds.

The Governor's budget also proposes to continue the 0.15 percent temporary increase in the VLF, which provides funding for the Citizens Option for Public Safety (COPS) and Juvenile Justice Crime Prevention Act programs. The City supports the proposed extension of the VLF increase.

Discussion/Analysis:

LEGISLATIVE POLICIES

The City of Fremont opposes any legislation or regulations that preempt local authority, negatively impact the City's budget, and/or impose unfunded mandates on the City. The City supports the use of incentives to encourage local government action, rather than the imposition of mandates. In general, the City of Fremont only takes positions on issues of direct relevance to local governments. Issues not directly relevant to local governments may be handled on a case-by-case basis.

Economic Development

- **Business Incentives:** The City requests that efforts to attract new business to the State be revenue neutral to local governments and not impact the limited revenues cities receive.
- Support State and federal efforts to continue to fund economic stimulus programs.

- Support State and federal efforts to enact jobs legislation.
- Support State and federal efforts to financially support small business entrepreneurship training and assistance.

Elections

- **All-mail ballot elections:** The City supports legislation to allow cities to conduct all-mail ballot elections, particularly for stand-alone local elections. Such elections will help cash-strapped local governments save money.

Employee Relations

- **Pension reform:** Employer costs for the State's defined benefit retirement system (CalPERS) have increased significantly in recent years, due in large part to significant investment losses sustained by CalPERS. The Legislature continues to explore various means of achieving cost control and budget certainty. The City supports pension reform, provided that it achieves savings without imposing additional costs on the City. One such reform is a second tier for CalPERS benefits.

Existing law allows a CalPERS local contracting agency to amend its contract with CalPERS in order to create a second tier of benefits, subject to certain restrictions. The second tier can only apply to employees who are hired after the contract effective date or who change membership classification after the contract amendment date. Existing law also prohibits local agencies from amending their contracts with CalPERS to reduce employee benefits for existing employees. However, a second tier, which applies to prospective employees only, may provide a lesser or different level of optional benefits than exists for employees in the first tier. The City opposes legislation to eliminate a local contracting agency's ability to reduce or modify benefits for new employees of the agency.

- **Mandated employee benefits:** Decisions about employees' health and retirement benefits should be made at the local level, through the collective bargaining process, not mandated by the State. Therefore, the City opposes legislation mandating local employee benefits because such benefits can impose financial costs and administrative burdens on local governments.
- **4850 benefits:** Under current law (Labor Code Section 4850), public safety employees who are totally temporarily disabled by injury or illness on the job are entitled to a leave of absence at full salary, tax free, for up to one year. The City opposes legislation to extend that timeframe.
- **Workers' compensation:** The City opposes any new or additional workers' compensation benefits and supports legislation to further reform the system and lower employer costs.
- **Mandatory Social Security coverage:** Various federal commissions and entities have recommended mandatory Social Security coverage for newly hired local government employees. This is, at best, a short-term solution to a federal government problem and would result in additional salary costs to both the City and newly hired employees. Public plans (e.g., CalPERS) were established before Social Security and continue to serve employees well. Social Security - not public plans - has lived beyond its means, resulting in attempts to find new revenues (e.g., bringing newly hired local government employees into the system). The City opposes mandatory Social Security coverage.

- **Social Security and local government pensions:** Current law provides for reduced Social Security benefits if an employee retires from a local agency and is also eligible for Social Security benefits for work performed at another employer that participated in Social Security. This occurs through either the Windfall Elimination Provision (WEP), because of the employee's own Social Security account, or the Government Pension Offset (GPO), because of the employee's access to the account of a spouse or ex-spouse. Because of these provisions, a potential employee who has spent the majority of his or her career in the private sector could be disinclined to consider a position in the public sector because of the associated decrease in the Social Security pension. The City supports modifying the legislation so that City employees are not penalized for work performed in addition to their local government service.
- **Retiree medical:** As a result of a Governmental Accounting Standards Board (GASB) change, local agencies are now required to account for their liability for retiree medical benefits, also known as Other Post-Employment Benefits (OPEB). Instead of accounting for these benefits on a pay-as-you-go basis, which is what many local governments did, agencies are now required to report their annual OPEB costs and their unfunded actuarial liabilities for past service costs. The new GASB requirements are intended to improve transparency in government accounts by making it easier to determine the future liability for OPEB expenses for a given government and to assess whether the government has a strategy for meeting these requirements. The California Public Employees' Retirement System is offering local agencies a program to pre-fund their OPEB obligations. While the City may choose to participate in such a program in the future, the City opposes any legislation that would make such participation mandatory. The City does, however, support legislation that expands the universe of employee self-funded medical benefits on a tax-advantaged basis under State law in coordination with programs and funding mechanisms developed under federal law.

Environment

- **Recycling:** The City supports continuation of existing California Integrated Waste Management Act (AB 939) waste diversion requirements. The City also supports diversion measurement and reporting improvements that do not adversely impact the assessment of compliance efforts made by local jurisdictions. Local jurisdictions should be considered in compliance with AB 939 goals if they have met the waste diversion goals or if they are making a good faith effort to implement applicable Source Reduction and Recycling Element (SRRE) programs.
- **Sustainable development:** The City supports legislation that provides financial and technical support to local government in implementing sustainable development practices such as transit-friendly development, "green building," and other sustainable practices.
- **Climate protection:** The City supports legislation and policies that assist local government in meeting or exceeding locally established goals of reducing global warming pollution levels to 25% below the 2005 levels by 2020. These efforts may include reducing dependence on fossil fuels, developing alternative energy resources, and developing fuel-efficient technologies.
- **Local autonomy:** The City opposes legislation that preempts local planning decisions regarding solid waste facility sites, preempts local solid waste and AB 939 fee setting authority, or imposes taxes or fees on local solid waste programs to fund State programs not directly related to solid waste management.

- **Landfill:** The City supports legislation and the development of alternative technologies such as anaerobic digestion or mixed waste processing that result in waste diversion from landfills.
- **Litter control and abatement:** The City supports legislation to address litter control and abatement problems in California, including measures that assist local and regional jurisdictions with enforcement and abatement and expand the authority of the California Highway Patrol to include enforcement measures for any vehicle generating litter on public roads; provide for effective enforcement of antilitter laws; implement a strong statewide anti-litter outreach campaign; and provide funding for cleanup of littered areas. The City supports development of regulations that reduce the use of single-use products (e.g., carry-out bags and polystyrene) and the resulting litter and waste, and encourage the use of durable reusable products.
- **Producer responsibility:** The City supports legislation to require manufacturers to assume financial and/or physical responsibility for the costs of collecting, processing, recycling, or disposing of products at end-of-life, especially those products that create significant economic burdens on local government for end-of-life management either because high volumes of the material exist in the waste stream, or because the nature of the product makes it difficult to manage in the current integrated waste management system. Examples include pharmaceuticals, sharps, electronic waste, household hazardous waste, universal waste or other products that requiring special handling.
- **Recycled product market development:** The City supports legislation encouraging manufacturers to include post-consumer recycled material in their products, and encouraging state and local government agencies and school districts to purchase products made with post-consumer recycled material that reduce waste, and that reduce toxicity of materials that may be discarded or disposed in the future.
- **Stormwater program funding:** The City supports legislation that would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements.

Homeland Security and Public Safety

- **Emergency preparedness resources:** Since the events of September 11, cities have had to assume additional staffing and equipment costs for emergency preparedness and public safety. Although local governments are usually the first to respond in cases of natural disasters and acts of terrorism, they receive little financial and technical assistance from the State and federal governments. The City supports legislation to provide resources for emergency planning, training, exercises, and equipment for emergency workers.
- **COPS funding:** The City supports funding for the Citizens' Option for Public Safety (COPS) program, which helps pay for police officer salaries and benefits. One of the funding mechanisms employed in recent years has been an increase in vehicle registration fees. This increase will sunset in June 2011. The Governor's budget proposes to continue, for an additional five years, the 0.15 percent temporary increase in the VLF, which provides funding for the Citizens Option for Public Safety (COPS) and Juvenile Justice Crime Prevention Act programs. The City supports the proposed extension of the VLF increase and legislation to retain funding for this program.

- **Fire service funding:** The City supports funding for disaster preparedness and training, including the Staffing for Adequate Fire and Emergency Response (SAFER) program, which helps pay for firefighter salaries and benefits, and funding for the Metropolitan Medical Response System (MMRS).
- **Fire protection in schools:** The City supports requiring the installation of automatic fire sprinkler systems in new and remodeled schools. The City has a comprehensive fire sprinkler ordinance that requires fire sprinkler systems to be installed in all new buildings and existing apartment buildings with internal corridors accommodating ten or more apartments. Because public schools fall under the State's jurisdiction, however, this life- and property-saving ordinance does not apply to them.
- **TASERs:** The City does not oppose further research efforts on the effects of the TASER, a less-lethal weapon that can protect police officers from injuries suffered during arrests. However, the City does oppose a ban or severe restrictions on the use of the TASER while any study is being conducted. Should such a study be commissioned, local law enforcement must be included in the development of a study plan.
- **Interoperability:** The City supports funding for interoperability initiatives to better facilitate coordinated and effective emergency response by police, fire, EMS, and non-public safety departments in cities and across regional jurisdictions.

Human Services

- **Multipurpose Senior Service Program:** The Governor's 2011/12 proposed budget includes the elimination of funding for the Multipurpose Senior Service Program (MSSP), which diverts nursing home-eligible low-income elders from placement in much more expensive nursing care facilities. Forty-one sites, including Fremont, provide care management for frail elderly clients who must be certified for placement in a nursing facility but who choose to live at home with MSSP support. The program is a cost-effective alternative to nursing homes, at approximately 1/7 of the cost to tax payers, and every dollar the State spends on MSSP is matched by a federal dollar. The City, therefore, opposes the elimination or reduction of MSSP and supports increasing State funding for this important program through the passage of a cost-of-living adjustment and an increase in the number of participant slots available for the program.
- **Community Development Block Grant Funding (CDBG):** The City opposes any reductions to formula funding for the Community Development Block Grant Program. Any reduction would severely impact the City's ability to fund social services, fair housing and public facilities projects that benefit low and moderate income individuals and families.
- **Services for seniors:** The City opposes funding cuts for community-based programs that serve seniors, and supports cost-of-living adjustments for Social Security and other entitlement programs.
- **Medi-Cal access and health care funding:** The City supports easing access to Medi-Cal so that more needy people can qualify for benefits. In addition, the City supports reducing the bureaucratic hurdles that make it difficult for those who qualify for Medi-Cal to receive the benefit. In addition, the City supports expanding funding for health care for low-income and/or medically indigent individuals. The City also supports expanding federal support for Medi-Cal reimbursement programs

such as Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM). The City supports legislative efforts to comply with the new health care reform legislation, and opposes any efforts to rescind the legislation.

- **CalWorks:** The City opposes any reductions in the CalWorks program, including reductions in the time beneficiaries are allowed to receive welfare benefits.
- **Child care:** The City supports state efforts to re-instate funding for Stage 3 childcare, which continues to provide some child care support to families who are recently employed and no longer receiving welfare benefits.
- **At-risk children and youth:** The City supports funding for programs, such as Proposition 49 and Proposition 10, which provide early intervention for infant, toddlers and school age children. For adolescents, the City supports youth development programs that promote civic engagement and reduce delinquency through conflict resolution and gang resistance programs with vocational training and employment opportunities.
- **Family resource centers:** The City supports funding for family resource centers, which provide comprehensive integrated programs to improve the quality of life and strengthen individuals, teens, and families through services and activities.
- **Economic self-sufficiency:** The City supports funding for family economic self-sufficiency programs such as money management classes, Individual Development Accounts (IDAs) and the Volunteer Income Tax Assistance (VITA) program, which helps low-income individuals file their tax returns and qualify for the various credits and deductions available to them.
- **Services for special populations:** The City supports providing funding for affordable housing and other supportive services for special populations such as people living with AIDS or other disabilities and the mentally ill.
- **Mental health:** The City supports providing funding for community education about the value of early intervention and treatment for mental disorders, including substance abuse. The City also supports enforcement of regulations requiring that health insurance policies treat addiction and mental illness on a par with other illnesses.
- **Homelessness:** The City supports legislative efforts that allocate any future Homeless Emergency and Rapid Transition to Housing Act (HEARTH) funding directly to local municipal and county jurisdictions.

Land Use

- **Preservation of local land use authority:** The City opposes legislation that would remove or limit local government land use authority.
- **Housing elements:** The City opposes legislation that penalizes local governments for noncompliance with their housing element requirements, since the compliance is based on several factors, such as the economy, that are not within the control of local government. Proposed penalties

have included loss of gas tax funds and court-ordered penalties for noncompliance. In light of the Governor's recent budget proposals, affordable housing mandates may need to be changed if redevelopment agencies are eliminated.

Parks and Recreation

- **Playground safety guidelines:** Playground safety guidelines are often manufacturer-driven but devolve to local governments as State mandates. The City supports legislation that protects cities from liability for use of playgrounds, and supports ensuring that all new safety mandates come with associated funding to help cities comply with the guidelines.
- **Day camps:** The State's Health and Safety Code exempts city recreation programs from registering as child daycare providers, but only if those programs are operated for a total of 12 or fewer weeks during a 12-month period. This total applies to any 12 weeks within a 12-month period, without regard to whether the weeks are consecutive. As a consequence, school-aged children have fewer safe, fun options for spending their vacation days, and their working parents must find alternate, possibly more expensive activities for them. The City opposes legislation that limits the City's ability to offer day camp programming during the summer and other school vacations.

Redevelopment & Housing

- **Redevelopment agency elimination:** In November 2010, voters passed Proposition 22 to stop the State from taking, borrowing or redirecting local government funds, including local redevelopment funds. Under the Governor's 2011/12 budget proposal, \$1.7 billion would be shifted for State purposes (courts and Medi-Cal) in FY 2011/12, but in future years the funds would flow back to local agencies, including schools. The City opposes any legislation that changes the legal mandates of the California Redevelopment Law, disestablishes redevelopment agencies, and eliminates local authority over the use of redevelopment funds.
- **State takeaways - Educational Revenue Augmentation Fund (ERAF):** In 2009/10 and 2010/11, redevelopment agency funds were subjected to sudden and unanticipated State takeaways to fund ERAF as part of the State's efforts to balance its budget. The City strongly opposes any State takeaways of redevelopment funds on the grounds that they are unconstitutional and impair orderly funding of critical redevelopment activities. The City supports the legal challenge brought by the California Redevelopment Association to nullify this unconstitutional State raid on redevelopment funds.
- **Legislation – major regional manufacturing facilities reuse:** The City supports legislative efforts to facilitate and streamline the process for adoption of redevelopment plans to address the closure of major regional manufacturing facilities, similar to past legislation for closed military bases.
- **Clarification efforts regarding past legislation (AB1389):** The City urges clarification of AB 1290 statutory pass-through payment ambiguities to give certainty to redevelopment agencies and county auditors in calculating, reporting and paying statutory pass-through payments in accordance with AB 1389. This includes clarification of the accounting and reporting treatment for statutory pass-through payments with respect to the accounting device called "ERAF" in Alameda County.
- **Benefits of redevelopment:** Redevelopment has been, and continues to be, an effective tool for the financing and development of housing, infrastructure and commercial/industrial facilities in the State,

as well as a major source of employment, income and tax revenue for local communities. To date, despite the important role of redevelopment in California, there has not been an emphasis on documenting the comprehensive economic impact of redevelopment activities statewide. The City supports continued efforts to assess the social and financial benefits of redevelopment, including number of jobs created, taxes generated from redevelopment agencies, and other community benefits, and to collaborate with other Bay Area agencies in promotion of such data.

- **Affordable housing:** Fremont continues to be firmly committed to the production of high quality, affordable housing for a range of income levels and target populations such as families, seniors and those with special needs. Any State takeaways of Redevelopment Agency Affordable Housing Funds would severely impact the Agency's current and future development projects. There should also be recognition that due to the multi-source nature of financing, affordable housing developments generally require three to five years to build the equity necessary to complete a project. Therefore, Affordable Housing Funds should be considered encumbered once the Agency Board has passed a resolution or taken some other formal action to reserve funds for a particular housing development or program.

In addition, the City joins other communities across the State in urging the creation of a long-term funding source that is dedicated to financing housing that is affordable to a range of incomes, from extremely low to moderate. The City agrees that the State should continue its current programs, with future distribution of funds at both state and local levels. The City also encourages multiple sources of funding to ensure stability.

- **Investment in facilities with regional benefit:** Investment in facilities of regional benefit, especially mass transit, should be de facto approved uses for redevelopment funds, inside or outside of project area boundaries. Relaxation of restrictions on strict benefit findings, and elimination of grounds for challenge in this area, would help agencies.

Revenue and Taxation

- **Fiscal reform:** Since 1991, the State has drained more than \$86 billion of local property taxes from cities, counties and special districts - costing cities alone almost \$14 billion over the last 19 years. Even in years of budget surpluses, the State has used local funds to finance its constitutional funding obligation to public education, allowing it to increase State general fund spending for other programs at the expense of vital local services. The passage of Proposition 1A on the November 2004 ballot guaranteed the City some measure of protection against future State raids. Under the terms of Proposition 1A, however, the State can proclaim "severe fiscal hardship" and once again "borrow" local revenues, twice within a ten-year period and providing prior loans have been repaid. Local government cannot continue to subsidize the State. Every time Sacramento dips into local coffers to help balance its budget, cities and counties must cut critical local services like public safety and maintenance. The passage of Proposition 22 in November 2010 will stop any future money grabs, but it does not return any previously-taken money to local government. The City opposes continued State efforts to find ways to divert local revenues and encourages the State to find other ways to balance its budget.
- **Lower threshold for local taxes:** Local governments cannot easily raise revenues and Proposition 26 has made this even more difficult. Taxes to fund specific, important services, like park and street

maintenance, public safety, and library hours, must be approved by a two-thirds majority of the voters. This high vote requirement makes it extremely difficult for many cities to raise needed monies. The City therefore supports a constitutional amendment to lower the threshold for approval of local taxes to either 55% (the same requirement schools now face) or to a simple majority.

- **E-commerce:** Sales of goods and products over the Internet pose a serious threat to the City's overall sales tax revenue base. At a minimum, the Legislature should enact legislation to close the loophole in current law that allows corporations with a physical presence, or nexus, in California to evade their sales and use tax obligations by setting up related web-based businesses based outside California.
- **Flexibility in use of funds:** The State has discovered that it can change rules regarding funds normally devoted to specific purposes to deal with its budget crisis. Since the State has decided that it must burden local governments with some share of its budget problem, then it should help mitigate that burden by loosening restrictions on restricted funds. Though it provides no fiscal relief, any rules relating to maintenance of effort (MOE) should be suspended. Until local and State government finance is reformed, restrictions should be lifted to provide the highest levels of discretion to elected representatives to manage the financial affairs of their jurisdictions.

Telecommunications

The City supports legislation to ensure consumer access to efficient, cost-effective and innovative telecommunication services.

- **Build-out of facilities:** Provide a reasonable timeframe for deployment of telecommunications services by providers that includes a clear plan for sequencing of the build-out of facilities within an entire franchise area.
- **Revenues from telecommunications:** Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
- **Use of public rights-of-way:** Support local government's ability to regulate use of public rights-of-way. Local governments are important and proven stewards of the public rights-of-way and are pivotal in helping to prevent public safety issues resulting from overcrowding and improper use; ensuring local emergency (911) services are provided; and addressing customer service and local business concerns.
- **Municipal broadband networks:** Preserve local authority to deploy and operate municipal broadband networks, either through public-private partnerships or systems wholly owned by the municipality.

Transportation and Infrastructure

- **Lower threshold for approval of transportation sales taxes:** The City supports a constitutional amendment to lower the threshold for approval of sales and use taxes for transportation purposes. Currently, such taxes must be approved by two-thirds of the voters. The City supports lowering the requirement to either 55% (the same requirement schools now face) or to a simple majority.

- **Fuel tax increase:** The voters last increased the State fuel tax in June 1990 when Proposition 111 passed. This measure doubled the State fuel tax to 18 cents a gallon. Since then, California's fuel tax rate has lost much of its buying power. The City supports fuel tax indexing or an increase to provide additional funding for local street projects and especially maintenance.
- **State funding for grade separations:** The State of California has funding set aside to assist local governments in completing grade separation projects. Such projects enhance a community's quality of life by improving the safety for autos, bicycles and pedestrians, and reducing both the noise from train whistles and the traffic delays that accompany trains crossing busy intersections. However, cities are having tremendous difficulty accessing the funding. The California Code of Regulations (Title 21, Section 1554) requires an "agreement that railroad or railroads shall contribute a minimum of 10 percent of the cost of the project without a maximum dollar limitation on the railroad's contribution, except that the contribution may be less than 10 percent of the cost of the project where expressly so provided by law." In interpreting this regulation, CalTrans has held that railroads must pledge to contribute a minimum of 10% of the actual final project cost, not of the estimated cost of the project. The railroads are reluctant to agree to this because the final project cost and, therefore, the required contribution cannot be known until the project is complete. This means the railroad would have to agree to an unknown, uncapped contribution. The City supports legislation to clarify that the railroads' required contribution shall be a minimum of 10% of the estimated project cost.
- **Preservation of eminent domain for infrastructure:** The negative public reaction to the Supreme Court's decision in the *Kelo* case threatens traditional uses of eminent domain for acquisition of property needed for public infrastructure projects. Reform proposals that would increase the costs to acquire property will have a direct negative impact on the public. Proposed measures that would prohibit acquisition of residential property through eminent domain could stop projects needed for safety and capacity, such as widening streets. The preservation of this core use of condemnation authority is critical.
- **Transit use and wetlands:** The objective of the Clean Water Act (CWA) is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The CWA, therefore, prohibits the discharge of dredged or fill material into the waters. The CWA does allow for some discharges but requires compensatory mitigation to replace the loss of wetland functions in the watershed. Compensatory mitigation is defined as, "the restoration, creation, enhancement, or in exceptional cases preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable impacts." In California, the Department of Fish and Game usually requires three acres of wetlands be set aside for every one acre of wetlands damaged. While preserving wetlands is an important goal, the City supports legislation to reduce the requirement when other public purposes, such as transit, are served by a project. Providing for a transit facility, and thereby minimizing traffic and its associated pollution, will ultimately help the environment and protect the wetlands, possibly more than compensatory mitigation requirements. However, such facilities may not be financially feasible once the cost of the compensatory mitigation is factored into the project's total cost.
- **Peak congestion:** The City supports legislation to provide funding to help mitigate the traffic impacts of projects that create peak period congestion.

- **Economic stimulus for infrastructure projects:** The City supports state and federal legislation to provide funds for local government infrastructure projects. Specifically, the City supports recommendations developed by the International City/County Management Association, National League of Cities, and National Association of Counties that encourage funding for infrastructure projects that can be initiated quickly; projects that focus on retrofitting existing buildings for energy efficiency; support for individuals through state and local programs that provide job training and public employment; and local government access to capital through the purchase of municipal bonds directly by the Treasury Department and the Federal Reserve. In addition, the City supports the requirement that rating agencies use comparable ratings for all securities to better reflect the financial soundness of municipal bonds.

FUNDING PRIORITIES

1. **Auto Mall Parkway between I-680 and Osgood Road, and Mission Boulevard between I-680 and Warm Springs Boulevard:** When the Warm Springs BART Extension opens, traffic from I-680 trying to reach the Warm Springs BART station will increase the already congested segments on Auto Mall Parkway between I-680 and Osgood Road and on Mission Boulevard between I-680 and Warm Springs Boulevard. The City supports seeking regional, state or federal funding to assist with making the necessary improvements to either of these roadway segments to mitigate some of the BART impacts. **Estimated shortfall: \$4 - \$5 million.**
2. **Warm Springs BART west entrance:** The Warm Springs BART station is designed to have access from both the east side of the station, toward the BART parking lot, and the west side of the station, toward the TESLA factory. However, the current Warm Springs Extension Project only has funding for station access from the east. With the large amount of vacant land west of the station, the City desires to provide access from the west side of the BART station to facilitate development and redevelopment of parcels west of the station. However, with the recent sale of the vacant NUMMI properties to Union Pacific Railroad, the need for access on the west side of the station is dependent upon the UPRR's ultimate use of this property. Should UPRR be willing to develop a portion of that land with uses that generate substantial BART ridership, the City supports the use of regional, state or federal funding to provide access from the properties west of the Union Pacific Railroad (UP) and BART tracks, over the UP tracks into the west side of the BART station. **Estimated shortfall: \$11 million.**
3. **Irvington BART Station:** As far back as 1979, plans for the Warm Springs BART Extension have assumed the extension would include an Irvington BART Station located near the intersection of Washington Boulevard and Osgood Road. Due to funding constraints, BART's Warm Springs Extension funding plan does not include the Irvington Station. Instead, the Irvington Station has been designated as an optional station with the City being responsible for identifying and securing the necessary funding for the station. With the recent approval of the Redevelopment Agency's Plan Amendment, sufficient Redevelopment funding now exists to fully fund the Irvington Station assuming these funds are not affected by the governor's recent budget proposal to eliminate redevelopment agencies. Although sufficient Redevelopment funding may be available, this is a very substantial project with regional transportation benefits. Therefore, the City and Agency seek regional, state and federal funding for the Irvington Station to offset a portion of the Agency's cost. **Estimated cost: \$112 million (in 2010 dollars).**

4. **Street/Pavement rehabilitation:** The City's streets are its highest valued capital asset, with an investment of over \$1 billion. As any street system ages and traffic loading increases (caused by increasing traffic, changes in bus routes and the use of heavier waste hauling and delivery trucks), the long-term maintenance needs increase. The City's Pavement Management System (PMS) has identified approximately \$190 million in needed pavement maintenance over the next five years. That level of funding would bring the entire street system up to a Pavement Condition Index (PCI) of 78. The optimal PCI is 83. The current PCI is 62. After one-time federal and state funding is exhausted, the City only has funding for approximately \$4.8 million annually for pavement rehabilitation projects. **Estimated shortfall: \$160 million over the next 5 years.**
5. **Interoperability.** In July 2007, the City Council authorized the City to participate in the East Bay Regional Communications System Joint Powers Authority (EBRCSA) to build an interoperable P-25 compliant radio communications system for cities in Alameda and Contra Costa counties. The current estimated total cost for the new system is almost \$70 million. EBRCSA has secured approximately \$39 million in funding from grants and anticipates securing approximately an additional \$14 million in grant funding over the next four years. To finance the remaining \$17 million needed to complete the radio system, Alameda and Contra Costa counties increased the size of their debt issuance. As part of the debt issuance, EBRCSA asked each member agency to financially commit to participate in the debt based on the number of radios each agency will operate on the new system. On September 28, 2010, the City Council authorized the City Manager to negotiate and execute documents for EBRCSA to own, build, and operate the radio system and appropriated \$1,458,150, for the one-time service payment representing the City's portion of the total debt. Prior to 2013, when the new radio system is expected to be operational, the City needs to purchase digital radio equipment for non-public safety departments in the City, including Maintenance, Recreation, Building Inspection, Construction and Landscape. The radios used by the Fremont Fire Department and Police Department were replaced in Fiscal Years 2008/09 and 2009/10, respectively. The City currently has a partially funded Capital Improvement Project with a balance of \$264,354 (excluding the one-time service payment). The total project cost to replace radios for the non-public safety departments is approximately \$1 million. **Estimated shortfall: up to \$1 million.**
6. **Warm Springs BART extension:** The Warm Springs Extension is fully funded, but the State funding component has been delayed due to delays in State transportation bond sales. Should additional funding be required as the project proceeds, the City will support BART's pursuit of additional regional, State or federal funds.
7. **Mission Boulevard/I-880 interchange improvement project:** The City is working with the Alameda County Transportation Commission (ACTC)¹, CalTrans, and the Santa Clara Valley Transportation Authority (VTA) on a project to improve the Mission Boulevard interchange area. Phase IA of the project has been completed. Phase IB includes widening Mission Boulevard and constructing on and off ramps from Mission Boulevard to Kato Road, which were removed in Phase IA. Phase II includes a grade separation at Warren Avenue to facilitate the BART extension to San

¹ The Alameda County Transportation Commission (ACTC) is a newly-formed countywide transportation agency resulting from a merger of the Alameda County Transportation Improvement Authority (ACTIA) and the Alameda County Congestion Management Agency (ACCMCA).

Jose and eliminate the Union Pacific Railroad grade crossings that are routinely blocked by freight trains. The project also requires changes to the Truck-to-Rail Transfer Facility south of Warren Avenue to accommodate the Warren Avenue Grade Separation and the future BART extension improvements. The City has committed over \$40 million to the project, including almost \$8 million of City-owned right-of-way. **Estimated shortfall for Phase 1B, and 2: None at this time, but design is only 95% complete and final construction estimates have not been prepared.**

- 8. I-680/I-880 Cross connectors:** The City has been working with ACTC and VTA regarding improving one or more connections between I-680 and I-880, called “cross connectors”. VTA has completed an evaluation of the short-term and long-term projects encompassed by the cross connector study. The “short-term” improvements include improvements to the I-680/Mission Boulevard interchange and the widening of Mission Boulevard between Warm Springs Boulevard and I-680 (estimated cost \$65 million); widening of Auto Mall Parkway to six lanes (estimated cost \$40-\$45 million); and widening Fremont/Grimmer Boulevards at grade to six lanes (estimated cost \$55-\$66 million). Neither the City nor VTA has been able to identify any funding for these projects. **Estimated shortfall: \$160 - \$171 million.**
- 9. ADA compliance for intersections:** The City desires to upgrade or install intersection ramps to comply with the latest Americans with Disabilities Act (ADA) standards within the public right-of-way. The new ramps will meet the ADA requirements for slopes, landings, and detectable warning surfaces. The ramps will improve the accessibility of public sidewalks, and the detectable warning surfaces will alert visually impaired pedestrians to the presence of an intersection. **Estimated shortfall: \$45 million.**
- 10. Sidewalk repair:** The City’s infrastructure, in many areas, is over fifty years old, and the street trees are just as old or older. The roots from these street trees can displace pavement and cause hazardous conditions for pedestrians and cyclists. The City now provides temporary patches and has a long-term plan to fix sidewalks. However, the needs exceed the City’s available resources. As the City ages, this problem will grow unless funds can be secured to increase capacity to deal with the street trees and sidewalks. **Estimated shortfall: up to \$25 million.**
- 11. Citywide fiber optic and intelligent transportation systems (ITS) deployment:** As the City’s existing copper signal interconnect cable (that communicates media for the City’s traffic signals) ages and becomes obsolete, it needs to be replaced by high bandwidth fiber optic cable. The use of fiber optic cable provides unlimited possibilities to serve other City needs and facilities not available in the past with copper interconnect cable. Fiber optic cables can link traffic signals, closed circuit television cameras, and changeable message signs. In addition, the use of fiber optic cable gives the City the ability to provide a more secure and reliable high bandwidth connection to other City facilities, such as fire stations, community centers, recreation centers, and libraries. These facilities are either not connected at all, or they are on less reliable, lower bandwidth, leased lines. Installing fiber optic cable also gives the City the opportunity to provide wireless private and public “hotspots” at high-density public gathering places. These hot-spots will facilitate emergency response by providing both police officers and firefighters with the same online computer access in their vehicles on the street as they would get if they were sitting in a City office. This project, which can be phased and constructed on a segment-by-segment basis, would install fiber optic cable throughout Fremont to interconnect facilities such as traffic signals, fire stations, community centers, recreation centers,

and libraries. In addition, the installation of closed circuit television cameras and changeable message signs throughout the city would enable staff to better manage and direct traffic. **Estimated cost: \$12 million.**

12. Mowry Avenue widening between Overacker Avenue and Mission Boulevard (under two active railroad bridges): The segment of Mowry Avenue between Overacker Avenue and Mission Boulevard passes under two old narrow railroad bridges that force the roadway to narrow to one lane in each direction. This segment of Mowry is one of the most congested roadways in the City. In fact, this segment was determined to be “deficient” by the County’s Congestion Management Agency. To eliminate the bottleneck, this segment of Mowry Avenue needs to be widened to two lanes in each direction. This requires demolishing and reconstructing both railroad bridges while maintaining freight service and widening the street. **Estimated cost: \$50 - \$55 million.**

FISCAL IMPACT: Varies.

ENVIRONMENTAL REVIEW: None required

ENCLOSURE: None

RECOMMENDATION: Adopt the 2011 Legislative Policies and Funding Priorities and authorize the Mayor to convey the Legislative Policies and Funding Priorities to Assemblymember Wieckowski and Senator Corbett.

7.3 CITY COUNCIL AUTHORIZATION TO SELL THE CITY-OWNED PROPERTY

City Council Authorization to Sell Certain City-Owned Properties, including the Former Corporation Yard Site on Sequoia Road in Centerville to the Redevelopment Agency

Contact Person:

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A companion item is on the Redevelopment Agency agenda for this evening.

Executive Summary: Staff is recommending the City Council authorize the sale, and the Agency Board authorize the purchase of, two City-owned properties: the City's former Corporation Yard at 37350 Sequoia Road in Centerville, and a one-acre surplus parcel left over from the construction of the new Fire Station 6, located at 4355 Central Avenue. Staff proposes acquiring these two sites with existing proceeds from the Agency's Low and Moderate Income Fund for the purpose of developing new affordable housing opportunities.

BACKGROUND: In early January, the Governor released his 2011/12 budget proposal which, among other provisions, calls for the elimination of redevelopment agencies throughout the State by July 1, 2011. In order to accomplish such rapid termination of redevelopment, the proposal contemplates urgency legislation in March 2011, which needs a 2/3 vote in both houses to become effective immediately and suspend Agency operations. At this point in time, in the absence of certainty, it is prudent to consider this threat a likely outcome and plan accordingly.

On January 25, 2011, staff presented the City Council and Agency Board with information about possible courses of action to preserve current available affordable housing assets as well as to preserve a future affordable housing revenue stream in light of State budget issues and impacts. Those actions included the following:

- 1) Augmenting existing programs, such as the first-time homebuyer and rehabilitation loans.
- 2) Trading Housing Funds for other local funding sources, such as CDBG and HOME funds.
- 3) Moving up the purchase of City property (such as the former Corporation Yard) for housing purposes.
- 4) Entering into new loan agreements with selected affordable housing developers.
- 5) Executing a City/Agency affordable housing cooperation agreement (similar to the Master Public Improvements Grant Agreement between the City/Agency).
- 6) Issuing taxable affordable housing bonds.

At their February 15 meetings, the City Council and Agency Board addressed all but items 3 and 4, consideration of City property purchase, and new loan agreements with selected affordable housing developers, with the understanding that these items would be scheduled as action items for their February 22 meetings. The focus of this agenda item is to consider for approval the purchase by the

Agency of City-owned land for future disposition to affordable housing developers for the development of these properties as affordable housing.

DISCUSSION/ANALYSIS: Former Corporation Yard Site: The Sequoia Road site is located in a residential neighborhood surrounded by existing multifamily residential developments. The 4.5 acre vacant site, after setbacks, has about 3.1 acres of net buildable area. It is zoned R-G-19 (Garden Residential District, 1,900 square feet minimum lot size) and has a General Plan designation of 23-27 dwelling units per acre. The site has been remediated of hazardous material and contamination and cleared by State and local regulatory agencies. The City has anticipated the sale of the former Corporation Yard property for some time. In past discussions, the City Council has generally supported the idea of affordable or mixed income housing on this site. The most recent appraisal was completed in 2007, with an appraised value in the range of \$7.6 to \$8.3 million. In order to effectuate this transaction, a new appraisal would be commissioned to determine current fair market value.

Fire Station No. 6 Surplus Property: This 49,203 square feet (1.13 acres) vacant parcel is left over from the construction of Fire Station No. 6, located at 4355 Central Avenue in Centerville. The site is zoned P-2005-73 (Planned District), has a General Plan designation of medium density, 6.5 to 10 units per acre, and is subject to the Centerville Specific Plan. The allowed use in this district is residential development at densities of 11-15 units to 23-27 units per acre. The Central Avenue site, adjacent to the new fire station, is located in a mixed-use area near high density residential/apartments as well as commercial, automotive and public uses. According to a recent appraisal, the current value of the approximately 1-acre parcel is \$1.72 million, with a highest and best use for residential purposes.

FISCAL IMPACT: The Agency currently has an available balance of approximately \$7.9 million in its Housing Fund. Pursuant to the Governor's proposed budget, any available revenues in the Agency's possession at the end of the current fiscal year will be turned over to the Housing Authority of the County of Alameda (HACA). The Executive Director of HACA has made it clear that if forced by the Governor to receive any Housing Fund revenues from the Fremont Redevelopment Agency, they would simply contract it back to Fremont to undertake projects in our local jurisdiction. While this is generous and supportive of the local government, it would still be a more bureaucratic endeavor than if City staff could commit the Agency's Housing Fund balance for specific affordable housing sites before the end of the fiscal year.

It is anticipated that total acquisition costs for these two sites could be as much as \$10 million. In the event that the purchase price for these two parcels were to exceed the Agency's available Housing Fund revenues, the Agency would enter into a loan agreement with the City, providing for the Agency to pay the City the outstanding portion of the purchase price out of future revenues.

ENVIRONMENTAL REVIEW: The purchases of the two properties by the Agency are activities by the Agency that implement the Consolidated Amended and Restated Redevelopment Plan for the Merged Project Area. A program Environmental Impact Report was prepared in connection with the adoption of the Redevelopment Plan and was certified by the Agency and the City Council on March 2, 2010 (the "RDA Plan EIR"). The purchase of the two properties by the Agency is within the scope of the RDA Plan EIR, and no new environmental document is required in connection with such purchases, in that no new effects could occur, and no new mitigation measures will be required at this time, since the mere purchase of the two properties creates no new environmental effects that were not considered in

the RDA Plan EIR. Further, at this time the future use of the properties for affordable housing is insufficiently defined, making project-specific analysis of environmental impacts premature. The Agency will conduct environmental review of project-specific impacts for each property in compliance with CEQA at the time specific projects are proposed for each property and each property is considered for disposition to a developer for development of a specific affordable housing project.

ENCLOSURES:

- [Map of former Corporation Yard site, at 37350 Sequoia Road](#)
- [Map of Surplus Fire Station property, at 4355 Central Avenue](#)

RECOMMENDATION: Staff recommends the City Council (1) approve the sale to the Agency from the City of the Sequoia Road former Corporation Yard site for a purchase price of approximately \$8,000,000, adjusted by appraisal to equal the current fair market value of the Property, for future use to develop affordable housing; (2) approve the sale to the Agency from the City of the one-acre surplus parcel on Central Avenue, adjacent to new Fire Station 6, for a purchase price of \$1,720,000, for future use to develop affordable housing; (3) authorize the City Manager, or his designee, in consultation with the City Attorney and Agency Special Counsel, to prepare purchase and conveyance documents for sale of both sites (the "Conveyance Documents"), reflecting the terms and conditions described in this Staff Report; (4) authorize the City Manager to execute the Conveyance Documents, in the form approved by the City Attorney; and (5) authorize the City Manager, or his designee to file appropriate CEQA notice.

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointment of Arvind Ravichandran and Angela Turner to the Senior Citizens Commission

Appointment:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Senior Citizens Commission	Arvind Ravichandran	December 31, 2014
Senior Citizens Commission	Angela Turner	December 31, 2014

ENCLOSURES: [Commission Applications](#)

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
March 1, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 8, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 15, 2011	TBD	Work Session	Council Chambers	Live
March 22, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 29, 2011 (5 th Tuesday)		No Council Meeting		
April 5, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 12, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 19, 2011	TBD	Work Session	Council Chambers	Live
April 26, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 2, 2011	4-6 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
May 3, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 10, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 17, 2011	TBD	Work Session	Council Chambers	Live
May 24, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 31, 2011 (5 th Tuesday)		No Council Meeting		
June 7, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 14, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 21, 2011	TBD	Work Session	Council Chambers	Live
June 28, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live